HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO. 4376 OF 2007

BETWEEN:

The Commandant,
Air Force Academy, Hyderabad & another

.....Petitioners

And

A. Anka Goud

.....Respondent

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:: O R D E R ::

Counsel for the petitioners : Shri A. Rajashekar Reddy,
Assistant Solicitor General

23rd April 2007

Per G.S. SINGHVI, CJ

This is a petition for quashing order dated 18.04.2006 passed by the Central Administrative Tribunal, Hyderabad Bench (for short, 'the Tribunal') whereby disposed of O.A.No.1554 of 2002 filed by the

respondent in the light of dismissal of M.A.No. 73 of 2003 and R.A (Sr.) No. 43 of 2003.

Respondent – A. Anka Goud was engaged as Seasonal Anti Malaria Lascar in Air Force Academy at Hyderabad. He worked in that capacity with intermittent breaks. He along with seven others filed O.A.No. 1422 of 2001 for conferment of temporary status and regularisation of service. By an order dated 9.1.2002, the Tribunal disposed of the application and directed the non-applicants to confer temporary status on the applicants (including the respondent).

After about one year, the petitioners filed an application for review of order dated 09.01.2002. The same was registered as RA (SR) No.43 of 2003. They also filed an application, which was registered as M.A.No.73 of 2003, for condonation of delay in filing the review application.

In the meanwhile, the respondent filed another application under Section 19 of the Administrative Tribunals Act, 1985 (O.A.No.1554 of 2002) with the complaint that despite the direction given by the Tribunal, he had not been conferred the status of temporary employee.

The Tribunal considered the miscellaneous application and review application filed by the petitioners along with O.A.No.1554 of 2002 and dismissed/disposed of the same by recording the following order:

> " This MA is being filed after a delay of three years.
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> In view of the Full Bench Judgment in the case of G. Narasimha Rao v. Regional Joint Director of School Education, Warangal and others (2005(2) ALT 469 (F.B.), the Hon'ble High Court of A.P., holding that the Tribunals under the Administrative Tribunals Act have no jurisdiction to condone the delay by taking aid and assistance of either sub-section (3) of Section 21 of the Act or Section 29(2) of the Limitation Act, this MA is dismissed.
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> The RA.SR.No.43/2003 also stands dismissed. Consequently, the relief in OA. No.1554/2002 stands already granted by this Tribunal Order in OA

No.14422/2001. OA No.1554/2002 is disposed of accordingly."

The petitioners have not challenged order dated 09.01.2002 passed in O.A.No.1422 of 2001. They have also not challenged order dated 18.04.2006 passed in M.A.No.73 of 2003 and RA (SR) No.43 of 2003, except to the extent of disposal of O.A.No. 1554 of 2002.

We have heard Shri A. Rajashekar Reddy, learned Assistant Solicitor General. In our opinion, the writ petition is liable to be dismissed for more than one reasons, which are enumerated below:

(1) the petitioners have neither placed on record copy of order dated 09.01.2002 passed in O.A.No.1422 of 2001 vide which they were directed to confer temporary status on the applicants (including the respondent herein) nor they have challenged that order and without examining the legality of that order, this Court cannot nullify the direction given by the Tribunal;

(2) the petitioners have also not challenged dismissal of the application filed by them for condonation of delay in RA(SR) No.43 of 2003, as also the review application. Therefore, order dated 09.01.2002 passed in O.A.No.1422 of 2001 will be deemed to have become final, and

(3) with the dismissal of the application filed for review of order dated 09.01.2002 passed in O.A.No.1422 of 2001, the second application filed by the respondent, which was registered as O.A.No.1554 of 2002, will be deemed to have become infructuous and the Tribunal did not commit any illegality by disposing of the same without going into the merits of the claim made by the respondent.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No. 5587 of 2007 filed by the petitioners for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

23.04.2007
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